

U.S. PROBATION OFFICE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION

Name of Offender: C. L. Brown

Docket Number: 1:09-CR-6079-001 ED/TN
1:05-CR-2262-001WJD/NM

Name of Sentencing Judicial Officer:

The Honorable William Paul Johnson
United States District Judge
District of New Mexico

Name of Presiding Official:

The Honorable Curtis L. Collier
Chief United States District Judge

Date of Original Sentence: November 26, 2007

Original Offense: Possession With Intent to Distribute 100 Kilograms or More of Marijuana

Class: A Felony

Criminal History Category: VI

Original Sentence: Eight days of imprisonment or time served (whichever is less), followed by four years of supervised release with the following special conditions: substance abuse testing and/or treatment, six months home confinement, submit to a search, must abstain from use/possession of alcohol.

Type of Supervision: Supervised Release

Date Supervision Commenced: November 26, 2007

Date Supervision Expires: November 25, 2011

Assistant U.S. Attorney: Perry H. Piper

Defense Attorney: Federal Defender Services.

Revocation Guideline Range: 33 to 36 months

Statutory Maximum: 36 months

PETITIONING THE COURT

The probation officer believes that the offender has violated the following conditions of supervision:

**PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION**

Page 2

Violation Number **Nature of Noncompliance**

I

General Condition: The defendant shall not commit another federal, state, or local crime.

Standard Condition # 7: The defendant shall not purchase, possess, use, or distribute any controlled substance.

Standard Condition # 1: The defendant shall not leave the judicial district without permission of the court or probation officer.

Standard Condition # 11: The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

Mr. Brown was arrested on August 23, 2009 in Pinal County, Arizona and charged with two felony counts of Transportation of Marijuana for Sale and Possession of Marijuana for Sale. According to the police report, the defendant transported/possessed approximately six pounds of marijuana. Mr. Brown had not received permission to travel outside of the Eastern District of Tennessee and was in the State of Arizona without permission. Mr. Brown failed to notify the probation officer of his arrest pursuant to his conditions. The probation office was made aware of this arrest through a Flash Notice which was on file with the Federal Bureau of Investigation.

II

Standard Condition # 2: The defendant shall report to the probation officer as instructed.

Standard Condition # 3: The defendant shall follow the instructions of the probation officer.

On September 8, 2009, the probation officer called Mr. Brown and left a message for him to report to the probation office in Chattanooga on September 10, 2009. The defendant later returned the call and left a message stating that "he would not be able to make the scheduled meeting." The probation officer immediately called the defendant and instructed him to report to the probation office on September 10, 2009. Mr. Brown failed to report for the scheduled meeting. On September 11, 2009, the probation officer traveled to the defendant's residence in Coffee County, Tennessee. Upon arrival, the defendant's residence appeared to be empty. A letter instructing Mr. Brown to report to the probation office on September 14, 2009 was left in his mailbox. Mr. Brown failed to report on this date as well.

III

Standard Condition # 2: The defendant shall submit a truthful and complete written report within five days of each month.

The defendant failed to submit his September 2009 monthly report form.

IV

Standard Condition # 6: The defendant shall notify the probation officer 10 days prior to any change in residence.

On October 13, 2009, Mr. Brown left a voice mail message stating that he was not residing at his known physical address. He advised that he was living "somewhere else", however, his family was

**PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION**

Page 3

residing there. He stated that "for the protection of his family, the house does appear to be deserted and that he would see me, when he sees me." Mr. Brown's whereabouts are unknown, therefore, Mr. Brown is considered absconded from supervision.

Assessment of Flight/Danger and Bond Recommendation: Due to his new charges, Mr. Brown is considered both a danger to the community and especially a risk to flee. He has a lengthy criminal record and the new charges are similar to the instant offense. Mr. Brown has failed to report to the probation officer on at least two occasions. Mr. Brown's whereabouts are unknown and he has failed to provide an address where he is residing, therefore, Mr. Brown has absconded from supervision. The fact that Mr. Brown's new charges are very similar to his original conviction increases the danger to the community. Due to the fact he absconded from supervision, there are no conditions or combination of conditions which this officer believes would assure Mr. Brown's appearance in Court.

Petitioning the Court to order:

That a warrant be issued and the defendant be ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2009.

Respectfully submitted,

/s/ Kevin Matherly

Kevin Matherly
United States Probation Officer

APPROVED:

s/Janet F. Landers 10/19/2009
Janet F. Landers Date
Supervising United States Probation Officer

ORDER OF COURT:

A warrant is to be issued and the defendant is ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked.

So ordered.

ENTER.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE